

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Denise Lea Morgan**
Docket No. **268349**
L.C. No. **04-002503 FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed on February 13, 2006, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the November 8, 2004, judgment of sentence and neither exception in MCR 7.205(F)(4) was satisfied. In particular, MCR 7.205(F)(4)(c) was not satisfied because the application was not filed within 42 days of the order of appointment. The Court is aware of the orders that gave the appellants in those cases 12 months from the order of appointment to file an application for leave to appeal, orders that conflict with MCR 7.205(F)(4)(c). However, the Court reads those orders at best to apply only to cases where the request for appellate counsel was initially denied and then a subsequent order was entered after the 12-month period had expired that granted appellate counsel. In this case defendant's initial request, made 4 months after *Halbert* was decided, was granted.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2006

Date

Sandra Schultz Mengel
Chief Clerk